

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application

Inventor(s): Carey Garibay et al.

Appln. No.: 10/655,773

Confirm. No.: 7231

Filed: September 5, 2003

Title: HIGH AVAILABILITY EVENT TOPIC

PATENT APPLICATION

Art Unit: 3621

Examiner: Kambiz Abdi

**Customer No. 23910**

**TRANSMITTAL LETTER RE INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

  X   Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

  X   As allowed under 37 C.F.R. § 1.98(a)(2)(ii), no copies of the U.S. patents and U.S. patent application publications are enclosed, unless required by the office.

       As allowed under 37 CFR §1.98(d), copies of cited documents noted with an asterisk are not enclosed because they were previously submitted in U.S. Patent Application No. \_\_\_\_/\_\_\_\_\_, which is relied on for an earlier effective filing date under 35 USC §120, and which included an Information Disclosure Statement that complies with 37 CFR §1.98(a) through (c).

***This statement should be considered because:***

✓ **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement - qualifies under 37 C.F.R. §1.97, subsection (c) because:

(1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (*check at least one of the following*) --

\_\_\_ (a) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).

-- OR --

✓ (b) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

✓ ***Fee Authorization.*** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

FLIESLER MEYER LLP

Date: August 17, 2007

By: /Joseph P. O'Malley/  
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